

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 10/02/2020

DANIEL CALIGIURI,

Plaintiff, **STIPULATION AND  
PROTECTIVE ORDER**

-against-

CITY OF NEW YORK,

19 CIV. 10818 (AJN)

Defendant.

X

**WHEREAS**, Plaintiff seeks certain documents and information from the Defendant City of New York which Defendant deems to be confidential (“Confidential Materials”); and

**WHEREAS**, Defendant would object to the production of those documents and information unless appropriate protection for their confidentiality is assured.

**IT IS THEREFORE AGREED BY AND BETWEEN THE PARTIES AND  
ORDERED THAT:**

1. As used herein, “Confidential Materials” shall mean all documents provided to Plaintiff’s counsel by Defendants’ counsel concerning current or former employees of the NYPD or applicants for employment with the NYPD which are contained in the personnel, labor relations, Equal Employment Opportunity (“EEO”) or medical files of the NYPD, and the information contained therein, except that such documents and information shall not be deemed “Confidential Materials” to the extent, and only to the extent, that they are (a) obtained by Plaintiff from sources other than Defendants, or (b) are otherwise publicly available.

2. Neither Plaintiff nor his attorneys shall use the Confidential Materials for any purpose other than for the preparation or presentation of his case in this action and/or any appeal thereof.

3. Neither Plaintiff nor his attorneys shall disclose the Confidential Materials to any person except under the following conditions:

- a. Disclosure may be made only if necessary to the preparation or presentation of Plaintiff's case in this action.
- b. Disclosure before trial may be made only to an expert who has been retained or specially employed by Plaintiff in anticipation of litigation or preparation for this action, to a witness at deposition, or to the Court.
- c. Before any disclosure is made to a person listed in subparagraph (b) above (other than to the Court), Plaintiff shall provide each such person with a copy of this Stipulation and Protective Order, and such person shall consent in writing, in the form annexed hereto as Exhibit A, not to use the Confidential Materials for any purpose other than in connection with the prosecution of this case and not to further disclose the Confidential Materials except in testimony taken in this case. The signed consent shall be retained by Plaintiff and a copy shall be furnished to Defendants' attorneys upon their request.

4. Deposition testimony concerning any Confidential Materials that reveals the contents of such materials shall be deemed confidential, and the transcript of such testimony, together with any exhibits which contain Confidential Materials referred to therein, shall be separately bound, with a cover page prominently marked "CONFIDENTIAL." Such portion of

the transcript shall be deemed to be Confidential Materials within the meaning of this Stipulation and Protective Order.

5. If any paper which incorporates Confidential Materials or reveals the contents thereof is filed in this Court, the parties hereto may apply to the Court to seal those portions of the papers. Upon obtaining leave of the Court to file documents under seal, the Confidential Materials will be filed in accordance with the Court's procedures for E-filing sealed documents in civil cases.

6. However, where the confidential information contained in a document is not material to issues addressed in Court submissions and the parties agree that the redaction of personal, confidential and/or identifying information would be sufficient to protect the interests of parties or non-parties, the parties may file redacted documents without further order of the Court.

7. Within thirty (30) days after the termination of this case, including any appeals, the Confidential Materials, including all copies, notes, and other materials containing or referring to information derived therefrom, shall be destroyed by Plaintiff.

8. Nothing in this Stipulation and Protective Order shall be construed to limit Defendants' use of the Confidential Materials produced by the producing party in any manner.

9. A facsimile or electronic signature on this Stipulation and Protective Order shall have the same effect as an original signature.

Dated: New York, New York  
September 28, 2020

**THE LIDDLE LAW FIRM PLLC**  
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By:

  
Nicholas Green  
Assistant Corporation Counsel

**SO ORDERED:**

October 2, 2020

Date

  
JOHN P. CRONAN  
United States District Judge

**EXHIBIT A**

The undersigned hereby acknowledges that he/she has read the Stipulation and Protective Order entered in the United States District Court for the Southern District of New York, on \_\_\_\_\_, 2020 in the action entitled Daniel Caligiuri v. The City of New York 19 CIV. 10818 (AJN) or has been advised of its provisions or contents, and understands the terms thereof. The undersigned agrees not to use the Confidential Materials defined therein for any purpose other than in connection with the prosecution of this case, and will not further disclose the Confidential Materials except in testimony taken in this case.

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Date

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Signature

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Print Name

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Occupation

Docket No. 19 CIV. 10818 (AJN)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANIEL CALIGIURI,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

**STIPULATION AND PROTECTIVE ORDER**

**JAMES E. JOHNSON**

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*Attorney for Defendants*

*100 Church Street, Room 2-176*

*New York, New York 10007-2601*

*Of Counsel: Nicholas Green*

*Tel.: 212-356-2445*

*Matter No.: 2019-079910*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2020. . .*

*.....Esq.*

*Attorney for.....*